

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY WARSAW

UNCLAS STATE 208588

SUBJECT: INTERIOR/MINISTRY OF MINING AGREEMENT ON
COOPERATION IN COAL RESEARCH

REF: WARSAW 05715

1. BELOW IN PARAGRAPH 4 IS TEXT OF SUBJECT AGREEMENT
GIVEN BY INTERIOR TO POLISH EMBASSY HERE SEPT 20.
2. IN ARTICLE VI OF TEXT, PART STARTING WITH "EXCEPT" IN
SECOND SENTENCE OF PARAGRAPH 2 AND RUNNING THROUGH ALL OF
PARAGRAPH 3 IS ADDITION MADE BY INTERIOR TO AVOID POSSIBLE
CONFLICT WITH PROPOSED JOINT FUNDING AGREEMENT.
3. WE ARE AWAITING FINAL APPROVAL AND POLISH TEXT FROM
POLISH EMBASSY HERE.
4. BEGIN TEXT:
AGREEMENT BETWEEN THE DEPARTMENT OF THE INTERIOR OF THE
UNITED STATES OF AMERICA AND THE MINISTRY OF MINING AND
POWER THE POLISH PEOPLE'S REPUBLIC FOR COOPERATION IN
COAL RESEARCH
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-- THE DEPARTMENT OF THE INTERIOR OF THE UNITED
STATES OF AMERICA AND THE MINISTRY OF MINING AND POWER
OF THE POLISH PEOPLE'S REPUBLIC, HEREINAFTER REFERRED TO
AS THE PARTIES;

- DESIRING UNIVERSALLY TO PROMOTE THEIR MUTUAL RELATIONS;
- STRIVING FOR A BROAD DEVELOPMENT OF SCIENTIFIC AND TECHNICAL COOPERATION FOR STRENGTHENING THE TIES OF FRIENDSHIP BETWEEN THE TWO COUNTRIES;
- CONSIDERING THE PROGRESS ACHIEVED BY THE PARTIES IN DEVELOPING MODERN TECHNOLOGIES IN COAL UTILIZATION AND COAL EXTRACTING;
- RECOGNIZING THE IMPORTANCE OF MUTUAL COOPERATION IN COAL UTILIZATION AND COAL EXTRACTION FOR MEETING THE GROWING NEED FOR ENERGY RESOURCES;
- RECOGNIZING THE IMPORTANCE OF COOPERATING ON THE BASIS OF NATIONAL PROGRAMS IN THE FIELD OF ENERGY RESEARCH AND DEVELOPMENT;
- PROCEEDING ON THE ASSUMPTION THAT THE MUTUAL EXCHANGE OF THEIR EXPERIENCE AND JOINT EFFORTS SHALL CONTRIBUTE TO FURTHER EXPANSION AND MODERNIZATION OF THEIR PRODUCTIVE POTENTIAL;
- HAVE AGREED AS FOLLOWS:

-- ARTICLE I

- 1. THIS AGREEMENT IS ESTABLISHED PURSUANT TO AND IN ACCORDANCE WITH THE GENERAL PRINCIPLES SET FORTH IN THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC ON COOPERATION IN SCIENCE AND TECHNOLOGY EXECUTED ON OCTOBER 31, 1972.

-- ARTICLE II

- 1. THE PARTIES SHALL UNDERTAKE A PROGRAM OF TECHNICAL COOPERATION IN COAL MINING AND COAL TECHNOLOGY BETWEEN THE TWO COUNTRIES ON THE BASIS OF EQUALITY AND MUTUAL BENEFIT.
 - 2. IN PURSUANCE OF THE FOREGOING GENERAL COMMITMENT, THE PARTIES WILL ENCOURAGE AND FACILITATE, AS APPROPRIATE, THE DEVELOPMENT OF DIRECT CONTACTS AND COOPERATION BETWEEN AGENCIES, SCIENTIFIC INSTITUTIONS, INSTITUTIONS OF HIGHER LEARNING AND FIRMS (HEREIN CALLED "ORGANIZATIONS")
- UNCLASSIFIED

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OF THE TWO COUNTRIES AND THE CONCLUSION OF IMPLEMENTING ARRANGEMENTS BETWEEN THEM FOR PARTICULAR COOPERATIVE ACTIVITIES ENGAGED IN UNDER THIS AGREEMENT. THIS AGREEMENT WILL NOT IN ANY WAY LIMIT OR RESTRICT THE AFFAIRS OF EITHER PARTY IN CONTRACTING OR OTHERWISE AGREEING WITH ORGANIZATIONS IN OR OF THE COUNTRY OF THE OTHER PARTY.

- 3. THE RIGHTS AND OBLIGATIONS SET FORTH IN THIS AGREEMENT SHALL APPLY ONLY TO IMPLEMENTATIONS, ENGAGEMENTS AND OTHER AGREEMENTS OF JOINT RESEARCH ENTERED INTO PURSUANT TO THIS AGREEMENT.

-- ARTICLE III

- 1. SCIENTIFIC AND TECHNICAL COOPERATION UNDER THIS AGREEMENT MAY INCLUDE THE FOLLOWING:

-- A. JOINT RESEARCH IN THE FIELDS OF BASIC
AND APPLIED SCIENCES;
-- B. ORGANIZATION OF JOINT SYMPOSIA AND
SEMINARS ON THE SUBJECTS RELATED TO RESEARCH PROJECTS
UNDERTAKEN BY THE PARTIES;
-- C. EXCHANGE OF SCIENTISTS AND
SPECIALISTS;
-- D. EXCHANGE OF RESEARCH RESULTS,
SCIENTIFIC AND TECHNICAL INFORMATION AND DOCUMENTATION;
-- E. OTHER FORMS OF SCIENTIFIC AND TECH-
NICAL COOPERATION AS MAY BE MUTUALLY AGREED.
-- 2. COOPERATION AS SET FORTH IN PARAGRAPH 1 HEREOF
SHALL INCLUDE THE FOLLOWING:
-- A. IN THE FIELD OF COAL UTILIZATION:
-- - COAL LIQUIFACTION;
-- -COAL GASIFICATION INCLUDING MAGNET-
-- OHYDRODYNAMICS (MHD) RESEARCH;
-- - IMPROVED COKE MANUFACTURE TO
-- DECREASE POLLUTION AND INCREASE
-- PRODUCT QUALITY;
-- - IMPROVED METHOD FOR COAL PREPARA-
-- TION;
-- B. IN THE FIELD OF COAL EXTRACTION:
-- - PRINCIPLES OF MINE PLANNING AND
-- DESIGN AT REGIONAL AND DISTRICT
-- LEVELS WITH SPECIAL EMPHASIS ON
-- FACTORS RELEVANT TO ENVIRONMENTAL
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-- IMPACT.
-- - METHANE DRAINAGE, COLLECTION, TRANS-
-- PORTATION AND USE.
-- - SUBSIDENCE PREDICTION AND CONTROL.
-- - AUTOMATED LONGWALL SYSTEMS.
-- - CONTROL OF ROCK, COAL AND GAS OUT-
-- BURSTS.
-- ARTICLE IV
-- 1. ALL INFORMATION, USES, PRODUCTS, PROCESSES,
PATENTS, AND OTHER DEVELOPMENTS RESULTING FROM THE JOINT
RESEARCH THAT MAY BE CONDUCTED HEREUNDER SHALL BE AVAIL-
ABLE TO THE GENERAL PUBLIC.
-- 2. THERE SHALL BE EXCLUDED FROM THE TERMS OF
PARAGRAPH 1 HEREOF ANY INFORMATION WHICH RELATES TO PATENT-
ABLE INVENTIONS UNTIL ADEQUATE PATENT PROTECTION FOR SUCH
INFORMATION SHALL BE OBTAINED.
-- ARTICLE VI
-- 1. ANY OBLIGATION OF THE DEPARTMENT OF THE INTERIOR
OF THE UNITED STATES OF AMERICA TO PROVIDE FUNDS SHALL BE
SUBJECT TO THE APPROVAL OF AND APPROPRIATION BY THE
CONGRESS OF THE UNITED STATES OF AMERICA.
-- 2. IT IS THE INTENTION OF BOTH PARTIES TO FURNISH
APPROXIMATELY EQUAL FUNDING OF THE JOINT RESEARCH PROGRAM.

NEITHER PARTY SHALL BE OBLIGATED TO EXPEND FUNDS IN A COUNTRY OTHER THAN ITS OWN EXCEPT AS PROVIDED FOR BY A SEPERATE AGREEMENT.

-- 3. REGARDLESS OF THE SOURCE OR TYPE OF FUNDING, WHEN THE SUBJECT OF SCIENTIFIC AND TECHNICAL COOPERATIVE EFFORTS IS AS SET FORTH IN ARTICLE III HEREOF, ALL THE TERMS AND CONDITIONS OF THIS AGREEMENT SHALL APPLY.

-- ARTICLE VII

-- 1. THE RIGHTS OF PRIVATE OWNERS OF PATENTS AND TECHNICAL INFORMATION SHALL BE FULLY RECOGNIZED AND PROTECTED IN ACCORDANCE WITH THE LAWS, REGULATIONS AND POLICIES APPLICABLE TO SUCH PATENTS AND TECHNICAL INFORMATION.

-- 2. FOR EACH INVENTION CONCEIVED OR FIRST ACTUALLY REDUCED TO PRACTICE IN THE COURSE OF OR UNDER A JOINT RESEARCH PROJECT HEREUNDER, EACH PARTY SHALL GRANT TO THE OTHER PARTY FOR USE IN THE COUNTRY OF THE LATTER PARTY A NONEXCLUSIVE, IRREVOCABLE, ROYALTY-FREE LICENSE, WITH THE UNCLASSIFIED

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RIGHT TO GRANT SUBLICENSES.

-- 3. WHERE INFORMATION DERIVED FROM THE COOPERATIVE ACTIVITY RESULTS IN A COPYRIGHT, PATENT, OR OTHER INDUSTRIAL PROPERTY PROTECTION, EACH PARTY SHALL CONTROL SUCH RIGHTS EXCLUSIVELY IN ITS COUNTRY, AND THE POSSSESSION OF SUCH RIGHTS IN OTHER COUNTRIES SHALL BE THE SUBJECT OF A SEPARATE AGREEMENT IN ACCORDANCE WITH LAWS AND REGULATIONS OF BOTH PARTIES, EXCEPT AS PROVIDED IN PARAGRAPH 2 ABOVE.

-- 4. ANY ROYALTY THAT A PARTY MAY RECEIVE PURSUANT TO RIGHTS IDENTIFIED IN PARAGRAPHS 2 AND 3 HEREOF SHALL BE SHARED EQUALLY BETWEEN THE PARTIES.

-- ARTICLE VIII

-- INTERESTED SCIENTIFIC AND ECONOMIC ORGANIZATIONS OF THIRD COUNTRIES MAY PARTICIPATE IN THE IMPLEMENTATION OF THE UNDERTAKINGS PROVIDED FOR IN ARTICLE III WITH THE APPROVAL OF BOTH PARTIES.

-- ARTICLE IX

-- EACH PARTY SHALL UTILIZE ITS BEST EFFORTS TO FACILITATE THE FORMALITIES IN CONNECTION WITH EXCHANGE OF PERSONS, IF ANY, AND THE EXPORT OR IMPORT OF MATERIALS AND EQUIPMENT, IF ANY.

-- ARTICLE X

-- THE SPECIFIC CONDITIONS FOR REALIZATION OF MUTUALLY AGREED UPON PROJECTS WILL BE OUTLINED IN THE IMPLEMENTING

-- ARTICLE XI

-- 1. THERE SHALL BE PERIODIC JOINT REVIEW OF CURRENT ACTIVITIES AND CONSIDERATION OF FUTURE ACTIVITIES UNDER THE AGREEMENT. THIS REVIEW SHALL INCLUDE AN ASSESSMENT OF PERFORMANCE, ESTABLISHMENT OF PRIORITIES, CONSIDERATION OF FINANCIAL SUPPORT AND, AS APPROPRIATE, RECOMMENDATIONS TO PARTICIPATING ORGANIZATIONS.

-- 2. THE REVIEW WILL BE ACCOMPLISHED BY AN EQUAL NUMBER
OF REPRESENTATIVES ON BOTH SIDES, AS DESIGNATED BY THE
PARTIES TO THIS AGREEMENTS.

-- ARTICLE XII

-- EACH PARTY SHALL DESIGNATE A COORDINATOR WHO SHALL BE
THE AUTHORIZED REPRESENTATIVE OF THE PARTY.

-- ARTICLE XIII

-- THIS AGREEMENT SHALL BE SUBJECT TO THE LAWS AND
REGULATIONS OF BOTH COUNTRIES, PROVIDED THAT THE LAWS,
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REGULATIONS AND POLICIES OF THE FUNDING COUNTRY SHALL APPLY
TO EACH ACTIVITY IN THE IMPLEMENTING AGREEMENTS.

-- ARTICLE XIV

-- A CHANGE IN THE GENERAL PRINCIPLES OF AGREEMENT,
EXPIRATION, CANCELLATION AND/OR AMENDMENT OF AGREEMENT
SHALL NOT AUTOMATICALLY AFFECT RESEARCH PROJECTS IN
PROGRESS AND SUCH PROJECTS MAY BE CONTINUED.

-- ARTICLE XV

-- THIS AGREEMENT SHALL ENTER INTO FORCE UPON SIGNATURE
AND SHALL REMAIN IN FORCE FOR FIVE (5) YEARS. IT MAY BE
MODIFIED OR EXTENDED BY MUTUAL AGREEMENT OF THE PARTIES
AND MAY BE TERMINATED BY EITHER PARTY UPON SIX (6) MONTHS
NOTICE TO THE OTHER PARTY. THE TERMINATION OF THIS
AGREEMENT SHALL NOT AFFECT THE IMPLEMENTATION OF
ARRANGEMENTS MADE UNDER IT.

DONE AT WASHINGTON THIS DAY OF ,
1974, IN DUPLICATE, EACH IN THE ENGLISH AND POLISH
LANGUAGES, BOTH EQUALLY AUTHENTIC.

FOR THE DEPARTMENT OF THE FOR THE MINISTRY OF MINING
INTERIOR OF THE UNITED AND POWER OF THE POLISH
STATES OF AMERICA POLISH PEOPLE'S REPUBLIC

END TEXT. KISSINGER

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<< END OF DOCUMENT >>

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